

William A. Earnhart, Esq., ASBA 9411099
LANE POWELL LLC
301 W. Northern Lights Blvd., Suite 301
Anchorage, Alaska 99503-2648
Telephone 907-277-9511
Facsimile 907-276-2631
E-mail:earnhartw@lanepowell.com
Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

WESLEY WORRELLS,

Plaintiff,

v.

SAM'S WEST, INC. d/b/a
SAM'S CLUB #6603,

Defendant.

Case No. 4:05-cv-0025-RRB

**ANSWER TO SECOND AMENDED
COMPLAINT**

Defendant Sam's West, Inc., d/b/a SAM's Club #6603, by and through counsel of record, Lane Powell LLC, and answers Plaintiff's Second Amended Complaint as follows:

1. Admits.
2. Admits.
3. Defendant SAM'S WEST, INC. is a Delaware corporation properly licensed and doing business in the Fairbanks North Star Borough at all times relevant to this action.
4. Admits.
5. Admits.
6. Admits.
7. Denied. Plaintiff Worrells is a salaried bakery manager employed to fulfill the duties of his position. His salary is not dependent upon the number of hours he works.

8. Defendant Sam's West, Inc. admits it did not pay overtime compensation to plaintiff Worrells because he is properly classified as a salaried exempt employee.

9. Denied.

10. Denied.

AFFIRMATIVE DEFENSES

By way of further answer and affirmative defenses, defendant states as follows:

1. Plaintiff's Second Amended Complaint fails to state a claim in whole or in part upon which relief may be granted.

2. Plaintiff's claims are barred, in whole or in part, because plaintiff was exempt from overtime compensation under one or more of the exemptions available under the Alaska Wage & Hour Act, AS 23.10.050 et seq. and the Fair Labor Standards Act 29 USC § 201 et seq.

3. Plaintiff's claim for liquidated damages should be denied because defendant at all times acted in good faith on reasonable grounds within the meaning of AS 23.10.110 and 29 USC § 260.

4. Defendant reserves the right to add additional affirmative defenses as may be discovered through future discovery.

PRAYER FOR RELIEF

WHEREFORE, having answered plaintiff's Second Amended Complaint, and having set forth its affirmative defenses, defendant Sam's West, Inc., d/b/a SAM's Club #6603, prays for relief as follows:

1. That plaintiff's Second Amended Complaint be dismissed with prejudice and plaintiff take nothing;

2. That defendant be awarded its costs, including reasonable attorneys' fees, incurred in the defense of this action pursuant to AS 23.10.010 and the Alaska and Federal Rules of Civil Procedure.

3. For such further relief as this Court deems equitable and just.

DATED this 28th day of March, 2006.

LANE POWELL LLC
Attorneys for Defendant

By /s/ William A. Earnhart
William A. Earnhart
301 W. Northern Lights Blvd., Suite 301
Anchorage, Alaska 99503-2648
Telephone 907-277-9511
Facsimile 907-276-2631
E-mail: earnhartw@lanepowell.com
ASBA 9411099

I certify that on March 28, 2006, a copy
of the foregoing was served electronically on:

William B. Schendel, Esq.
Winfrey Law Office
301 Cushman Street, Ste 200
Fairbanks, AK 99701-4629

/s/ William A. Earnhart
111655.0260/154368.1